

# **AN ANALYSIS TO DETERMINE IF A SMALL BUSINESS ECONOMIC IMPACT STATEMENT (SBEIS) IS REQUIRED FOR WSNWCB PROPOSALS TO CHANGE THE NOXIOUS WEED LIST (17.10.080 RCW)**

## Rule Summary

Chapter 17.10.080 RCW authorizes the Washington State Noxious Weed Control Board (WSNWCB) to adopt a state noxious weed list annually to make changes as deemed necessary and helpful in reducing the threat and impact of noxious weeds in the state. These annual changes to the weed list are based primarily on proposals received by the WSNWCB, and they are voted on in November following a public hearing. Possible changes to the weed list include but are not limited to: the addition of new species; deletion of species that have been eradicated or found to be less detrimental than originally predicted; changes in Class B areas designated for control; the change of noxious weed class of a species.

The current proposed changes to the 2014 noxious weed list include:

- Adding lesser celandine, *Ficaria verna*, as a Class B noxious weed to be designated in Snohomish, Skamania, Stevens, and Pend Oreille counties
- Adding giant reed, *Arundo donax*, as a Class B noxious weed with statewide designations intended to protect habitat susceptible to potential invasion of this species without impacting its responsible commercial cultivation.
- Adding the group of nonnative cattail species and hybrids, including but not limited to *Typha angustifolia*, *T. domingensis*, *T. minimum*, and *T. x glauca* as a Class C noxious weed
- Adding Russian olive, *Elaeagnus angustifolia*, as a Class C noxious weed
- Reinstating 2012 listing language of Japanese eelgrass (Class C on commercially managed shellfish beds only)
- Reclassifying velvetleaf, *Abutilon theophrasti*, from a Class A noxious weed to a Class B noxious weed to be designated everywhere except Yakima and Franklin counties
- Reclassifying buffalobur, *Solanum rostratum*, from a Class A noxious weed to a Class C noxious weed
- Reclassifying yellow-flowered nonnative hawkweeds (*Hieracium*) from Class A, B, and C noxious weed species to two Class B listings by Subgenera Meadow (*Pilosella*) and Wall (*Hieracium*)
- Reinsert exemption “with the exception of bulbing fennel, *F. vulgare* var. *azoricum*” to Class B common fennel listing (unintentionally omitted from WAC 16-750 in 2013)
- Adjusting designations of twelve Class B noxious weeds

## Purpose of this Analysis

RCW 19.85.030 requires agencies to prepare a SBEIS if the proposed rule will impose more than minor costs on businesses in an industry. The purpose of this analysis is to determine if the proposed changes to the 2014 noxious weed list will impose “more than minor costs” on the businesses directly affected by these proposed changes, which would thereby require WSNWCB to prepare a formal SBEIS.

## Nature of aforementioned noxious weed species in Washington

### *Proposed additions of Class B noxious weeds:*

Lesser celandine (*Ficaria verna*, also known as *Ranunculus ficaria*) is a small, low-growing plant of moist areas. Emerging early in the growing season, often before native ephemerals, it can form dense patches that outcompete native plants. Its vegetative reproduction through bulbets and tubers makes it very difficult to control once established. Lesser celandine has been proposed as a Class B noxious weed, which would be designated for control in Snohomish, Skamania, Stevens, and Pend Oreille counties.

Giant reed (*Arundo donax*) is a bamboo-like grass considered highly invasive in many southern states, where it can rapidly colonize and form massive, monotypic stands in riparian (river bank) habitat. However, there is a great deal of interest in this fast-growing plant as a biofuel, and as a sustainable substitute for tree-based paper, flooring and other construction building material, and as reeds for wind instruments. The WSNWCB is considering listing it as a Class B noxious weed, to be designated for control in areas susceptible to invasion such as rivers, wetlands, and open irrigation waterways. The intent is to support the careful and responsible cultivation of this potential crop while being prepared to control it should it escape into these aquatic systems.

### *Proposed addition of Class C noxious weeds:*

The WSNWCB is considering grouping all nonnative cattails (*Typha* species) and their hybrids into one Class C listing. These nonnative wetland plants are considered invasive because they can dominate marshes more aggressively and tolerate deeper water and more flooding than our native cattail (*Typha latifolia*). Because the nonnative cattails and their hybrids look similar to each other, and our native cattail is more easily distinguishable, it is simpler to group the nonnatives together as one noxious weed listing. As a Class C noxious weed, control would not be required by the WSNWCB, though county weed boards may require landowners to control it where it is becoming problematic.

Russian olive (*Elaeagnus angustifolia*) is common in Eastern Washington and is regarded by many as a nasty tree with thorny branches. Sometimes sold as an ornamental and for use as wind breaks, Russian olive is quite invasive, particularly in riparian habitats, and literally a real pain to work around and/or control. It has been proposed as a Class C noxious weed for 2014, which means that control would not be required by the WSNWCB, though county weed boards may require landowners to control it where it is becoming problematic.

### *Proposed reinstatement of modified listing language of an existing noxious weed*

Japanese eelgrass (*Zostera japonica*) has returned for a third year of deliberation, as it still poses a complicated dilemma in Washington. Shellfish growers are concerned because this nonnative species of the intertidal zone is invading once-bare mudflats and significantly reducing yield of shellfish and increasing costs to manage shellfish beds, especially in Willapa Bay. Many natural resource managers and researchers agree that Japanese eelgrass is nonnative, invasive, and expanding its range. However, some research indicates that the nonnative species may provide similar functional value as our native, protected eelgrass (*Zostera marina*) in unmanaged tidelands and serves as a food source for several waterfowl species. The WSNWCB had listed Japanese eelgrass as a Class C noxious weed on commercially managed shellfish beds only in 2012 and then adopted a proposal to remove the modification and list it as a Class C noxious

weed. For 2014, the WSNWCB is considering a proposal to reinstate the original listing language of 2012.

*Proposed reclassifications of existing noxious weeds*

Velvetleaf (*Abutilon theophrasti*) aggressively competes with cultivated crops such as corn and alfalfa, and its allelopathic seed and leaves can inhibit germination and growth of desirable vegetation. Seed can remain viable in the soil for over fifty years, making eradication a difficult goal where populations are well-established. Reclassifying it as a Class B noxious weed and designating it everywhere it Washington, except in the two counties with established populations, will keep this species contained in those counties where control, rather than eradication is a more reasonable goal.

Buffalobur is a noxious weed arms with spines. It is a common contaminant of bird seed and garden seeds and typically established beneath bird feeders and in gardens. Although it is considered an aggressive weed in its native range, it does not appear establish as readily as initially thought. Reclassifying buffalobur as a Class C noxious weed means that control would not be required by the WSNWCB, though county weed boards may require landowners to control it where it may be problematic.

Invasive, nonnative hawkweeds spread rapidly in pastures and rangelands, displacing native forbs and grasses that livestock and wildlife rely on for food. Yellow-flowered hawkweed species can be hard to tell apart and identify down to species; moreover, some invasive hawkweed species can create hybrids. Rather than eleven noxious weed listings (10 species, one general listing for all other nonnative hawkweeds), the hawkweeds will be listed by subgenus, which are easier to tell apart. Grouping the nonnative hawkweeds at the subgenus level will help mitigate against potential confusion between species and/or hybrids, and to make the hawkweed listings and control requirements simpler and easier to understand. The state and county weed boards still have the option to educate and enforce at the species level if desired. Both subgenus listings would be as Class B noxious weeds, with designations based on the distribution and designations of the currently listed hawkweed species.

Nonnative hawkweeds and hybrids of the Meadow Subgenus ( <i>Pilosella</i> ), including but not limited to:		Nonnative hawkweeds and hybrids of the Wall Subgenus <i>Hieracium</i> , including but not limited to:	
mouseear ( <i>Hieracium pilosella</i> ),	pale ( <i>H. lactucella</i> )	common ( <i>Hieracium lachenalii</i> )	European ( <i>H. sabaudum</i> )
queen-devil ( <i>H. glomeratum</i> )	tall ( <i>H. piloselloides</i> ),	polar ( <i>H. atratum</i> )	smooth ( <i>H. laevigatum</i> )
whiplash ( <i>H. flagellare</i> )	yellow ( <i>H. caespitosum</i> )	spotted ( <i>H. maculatum</i> )	wall ( <i>H. lactucella</i> )
yellow-devil ( <i>H. x floribundum</i> )			

### *Proposed reinsertion of Class C noxious weed exemption*

In 2013, the language exempting a non-invasive variety of common fennel (*Foeniculum vulgare*) was inadvertently omitted from WAC 16-750. This language, exempting the bulbing variety of fennel (var. *azoricum*) from the Class B noxious weed common fennel would be reinserted back into the WAC.

### *Proposed modifications of current Class B designations:*

The designations of eleven Class B noxious weeds will be adjusted to better match existing distribution of those species in seven counties. Namely:

- undesignate wild chervil in Island County
- designate yellow archangel in Island County
- undesignate spurge laurel in Pierce and Jefferson counties
- undesignate myrtle spurge in Clallam and Jefferson counties
- modifying Eurasian milfoil designation to include Pend Oreille County in all lakes with public boat launches except Fan Lake
- designate hairy willow herb in Pend Oreille County
- designate meadow knapweed in Pend Oreille County
- designate Bohemian knotweed in Pend Oreille County
- designate policeman's helmet in Pend Oreille County
- designate plumeless thistle in Pend Oreille County
- modify yellow starthistle designation in Stevens County to read: Stevens county except T36 R38 in the area contained within Hwy 395/Hwy 20, Pingston Creek Road, and Highland Loop Road."

### Affected Groups and the Cost of Compliance

#### The horticultural industry

The horticultural industry is the group of businesses most likely to be indirectly impacted by the proposed listings of lesser celandine, giant reed, nonnative cattails, Russian olive, and the inclusion of additional nonnative hawkweeds (such as spotted) in the subgenus listings.

However, it is unlikely that these listings will cause these businesses to lose sales, revenue, or jobs. The noxious weed list is separate from the WSDA quarantine lists (WAC 16-752.300, 400, 500, 600), which prohibit the sale and transport of particular species, thus these potential noxious weed listings would not directly prohibit the sales of this plants. Nurseries selling these nonnative, invasive species could potentially experience a decrease in sales of these plants by consumers who voluntarily choose not to purchase ornamental species that are listed noxious weeds. To help assess the magnitude of this indirect economic impact, the State Weed Board developed a survey through SurveyMonkey (<https://www.surveymonkey.com/s/6DLMYYY> ).

A printed survey of the proposed listings for lesser celandine, nonnative cattails, giant reed, and Russian olive, along with self-addressed stamped envelopes was mailed to 50 WSDA-licensed nurseries on August 5, 2013. The sampling strategy employed was a systematic, random design so that at least one nursery per county was included in the survey, with King County weighted more heavily based on demographics. A second printed survey with information about the proposed reclassification of nonnative hawkweed species was sent, again with a SASE to those

nurseries who responded to the main survey. A summary of the proposed changes to the 2014 noxious weed list and link to the online survey was included in the Washington Nursery and Landscape Association (WSNLA) e-newsletter that was distributed to its members on August 14, 2013. We received a total of three online responses between August 14 and September 19. A total of 25 full surveys were mailed back, along with 14 supplemental surveys about the proposed hawkweed reclassification. Of 28 total responding nurseries, only one was not considered a small business, as it was a non-profit garden. Nurseries participating in the surveys came from 16 different counties. Three respondents chose to keep the name of their company and county of operation anonymous. Based on these results, none of the 28 nurseries carry lesser celandine or giant reed. Two nurseries carry nonnative cattail species. One participant indicated that nonnative cattails were carried at the nursery but noted that the economic impact would be “miniscule - less than \$100. I wouldn't stock it if it were a listed plant”. The other estimated an economic loss of \$50. Two other nurseries – both in Kittitas County – indicated that they carried Russian olive. One indicated that the proposed listing would not have an economic impact; the other estimated a loss of \$500-750. However, since the participant wished to remain anonymous, it was not possible to follow up for clarification. None of the 17 nurseries that responded to the hawkweed reclassification survey carry nonnative hawkweeds.

The WSNWCB has worked over the years to improve its relationship with the nursery industry. A member of the WSNLA has been appointed to the State Weed Board's Noxious Weed Committee for many years to represent the horticultural industry, and the State Weed Board has had a representative on the WSNLA's Invasive Plant Task Force since 2004. The cooperative efforts culminated in the creation of the publication *GardenWise: Non-invasive Plants for Your Garden*. This collaboration between the horticultural industry, state and county government, NGO's, and an institution of higher learning resulted in a publication that educates the consumer about invasive plants and promotes the sales of non-invasive alternatives, and it has been applauded by gardeners, nurseries, and noxious weed control programs alike. Twenty-seven of the 28 nurseries responded to the question asking whether these efforts were beneficial to their businesses. Overall, 20 respondents (74%) indicated that efforts by the WSNWCB to promote non-invasive alternatives to invasive ornamental species were helpful to their businesses. Two respondents (7%) were not sure if these efforts were helpful to the nursery business, and another five respondents (19%) indicated that the WSNWCB efforts were not helpful.

#### The giant reed industry

To the best of our knowledge, there are two companies directly involved in the commercial cultivation of giant reed for biomass, fiber production, and other uses. An online survey was created and distributed to both companies on August 14, 2013, using contact information provided on their websites. One company did not respond; the other filled out the survey on August 30, and noted that the proposed listing would cost “100's of millions of dollars to our company but untold amounts in the impact on the environment, local economies and dependency on energy.” Subsequent communication with this company, along with a tour of one of their giant reed plantings in Washington have indicated that their protocol is not to plant this species in any of the proposed designated areas for control; therefore, there would not be any direct economic impact to the company because of the proposed Class B listing.

### The shellfish industry

The large majority of small businesses with Japanese eelgrass on their property are commercial shellfish growers. A small business economic impact survey of the shellfish growers was conducted in 2011, when the addition of Japanese eelgrass as a Class C noxious weed on commercially managed shellfish beds only was first considered. It was concluded that this modified listing would not cause these businesses to directly lose sales or revenue, nor will the listing itself directly result in the accrual of more than minor costs to the businesses, since control would not be mandated by the WSNWCB. It should be noted that the nominations to add Japanese eelgrass as a Class C noxious weed for 2012 came from several commercial shellfish growers, and shellfish growers overwhelmingly supported the 2013 listing, which removed the modification. The original proposal for 2012 (and then 2013) was to add this species as a Class C noxious weed. The WSNWCB modified the proposed Class C listing for 2012 to its noxious weed status to commercially managed shellfish beds only, since there were other stakeholders who felt that this species provided beneficial functions in unmanaged tidelands. Many shellfish growers had expressed – and continue to express – serious concern about this species and that they wanted to voluntarily control Japanese eelgrass on their tidelands. A few shellfish growers also have expressed concern about the public perception of having a listed noxious weed on their shellfish beds and the possible use of chemicals to control it. It should be noted that the WSNWCB supports Integrated Plant Management (IPM) and does not mandate the use of specific control options. Moreover, there is currently no herbicide labeled for use in Washington to control Japanese eelgrass, although ECY is working with stakeholders on a draft NPDES permit for the chemical imazamox. To summarize the survey results described in the 2011 document entitled “WSNWCB SBEIS analysis 2012”:

- 50% of respondents (11 of 22) currently have Japanese eelgrass on their shellfish beds; 41% of respondents (9 of 22) do not have Japanese eelgrass on their shellfish beds, and about 9% of respondents (2 of 22) were not sure if they have Japanese eelgrass on their shellfish beds.
- About 73% of respondents (16 of 22) indicated that the potential Class C listing of Japanese eelgrass on commercially managed shellfish beds would *not* cause their business to lose sales or revenue. 18% of respondents (4 of 22) were not sure if the listing would cause their business to lose sales or revenue. 9% (2 respondents) indicated that the listing would likely cause them to lose sales or revenue.
- 27% of respondents (6 of 22) indicated they anticipated controlling Japanese eelgrass, whether or not it is listed as a noxious weed, about 32% of respondents (7 of 22) indicated they would not control Japanese eelgrass, and about 41% of respondents (9 of 22) were not sure at this time.
- About 55% of respondents (12 of 22) anticipated some benefits to listing Japanese eelgrass as a Class C noxious weed on commercially managed shellfish beds, about 14% of participants (3 of 22) do not anticipate benefits to the listing, and the remaining 31% of respondents (7 of 22) are not sure if there are benefits to the proposed listing.

There are likely a few small businesses outside of the commercial shellfish industry that have Japanese eelgrass on their property, such as marinas. There is at least one hotel that might have this species on its property, but it was included in the 2011 survey since it also commercially raises shellfish on the property. However, control of Japanese eelgrass would not be required by the WSNWCB, and so far no county noxious weed control board has selected this species for

mandatory control. More important, the proposed reinstatement of 2012's listing would only recognize Japanese eelgrass as a Class C noxious weed on commercially managed shellfish beds only, which means that only commercially managed shellfish operations would be required to control Japanese eelgrass, should a county weed board select this species for control.

The WSNWCB held a meeting in February, 2012, with stakeholders – including representatives from the shellfish industry, state agencies, NGO's, and concerned citizens – to further discuss issues about Japanese eelgrass, after it had been listed as a Class C noxious weed on commercially managed shellfish beds only for the 2012 weed list. The State Weed Board was also participatory in the June 18-19 2013 workshop to discuss policy and science of Japanese eelgrass, held by ECY. The WSNWCB also scheduled small, informal tours of Japanese eelgrass on tideland that had been commercially managed for clams in Willapa Bay before the nonnative eelgrass made clam production unfeasible, and of Japanese eelgrass in unmanaged tidelands in Puget Sound. The complicated matter of Japanese eelgrass will likely continue to generate more discussions.

### Non-specific groups

#### *Proposed addition of Class B noxious weeds*

A Class B noxious weed listing means that the WSNWCB would designate the species for control in areas where it is limited in distribution or altogether absent, and/or where its control is a priority. In designated areas, landowners would be required to control and prevent the spread of the Class B noxious weed. County noxious weed control boards would also have the option of selecting a Class B noxious weed for control where the state has not designated it.

Lesser celandine would only be designated in Snohomish, Skamania, Stevens and Pend Oreille counties at this time. To the best of our knowledge, the species is either absent or very limited in these counties and should not pose an economic burden on landowners.

Giant reed would be designated statewide for control riparian areas, wetlands, special flood hazard areas (100-year flood plains), open irrigation waterways, or in a 100 ft. buffer beyond the edge of these areas in regions 1, 2, 3, 4, 5, and 6. The WSNWCB supports the responsible and careful commercial cultivation of this species and goes so far as to note in its proposed WAC language that the listing is not intended to affect the cultivation of giant reed outside of the designated areas. The designation is intended to allow for early detection / rapid response should commercially or ornamentally grown giant reed escaped cultivation. To the best of our knowledge, no small business is growing giant reed in these designated and susceptible areas.

#### *Proposed additions of Class C noxious weeds*

A Class C listing of a species means that the WSNWCB recognizes that the species meets the criteria of a noxious weed. Control of Class C noxious weeds is not mandated by the state, although county noxious weed control boards have the option of selecting Class C noxious weeds for mandatory control at the local level. The WSNWCB and county weed boards can provide educational material about identification and control of these species.

Populations of nonnative cattails such as narrow-leaf cattail (*Typha angustifolia*) and its hybrid *Typha x glauca* are being detected in several wetlands, streams, ponds, and lakes in Washington. State agencies such as WDFW are concerned about their potential expansion in valuable habitat they manage and have already indicated that they will work to control them. At this time, it does not appear that county weed boards will require the control of these species.

Russian olive is already widespread in some parts of the state, but there are other areas where it has been established but is now starting to spread into right-of-ways, irrigation ditches, and riparian areas. At least one county weed board has indicated that it might select Russian olive for mandatory control to stave off additional spread. A weed district in this county is already requiring control of this invasive plant through Chapter 17.04.

#### *Proposed reclassifications of existing noxious weeds*

The reclassification of noxious weeds velvetleaf and buffalobur could actually reduce control requirements. This is particularly true for farmers in Yakima and Franklin counties who have well-established populations of velvetleaf in their crop fields. Due to the persistent seed bank, many growers in these areas have technically been out of compliance due to the inability to eradicate these populations. The mandatory eradication of buffalobur would no longer be required, although most landowners will likely choose to destroy these plants as they appear, and some county weed boards may continue to require such action.

The proposed simplification of the nonnative hawkweed listings would be unlikely to impose any additional control requirements on landowners, including small businesses, since the designations of the two hawkweed genera overlap existing designations of Class B hawkweeds. The proposed listings by subgenus would include other nonnative hawkweeds than those listed as noxious weeds (*e.g.*, spotted, whiplash, wall, and any hybrids); however, few if any are widely distributed in Washington. Spotted hawkweed has been sold as ornamental species but does not appear to be very common. Moreover, these unlisted hawkweeds are already included in an existing Class C noxious weed listing for all other nonnative hawkweeds not listed elsewhere on the noxious weed list.

#### *Proposed reinsertion of Class C noxious weed exemption*

The reinsertion of the exemption of bulbing fennel (*Foeniculum vulgare* var. *azoricum*) is to correct an oversight from 2013 rule-making. It exempts a noninvasive variety of common fennel from noxious weed status. This would not pose an economic cost to small businesses.

#### *Proposed modifications of current Class B designations:*

The proposed modifications of designations for twelve Class B noxious weeds would have minimal if any economic impacts to small businesses. Class B noxious weeds are generally designated where they are absent, limited, or pose a serious threat to health, agriculture, or natural areas so the economic impact is not unreasonable. Additionally, many of these changes in designations reduce control requirements.

## Alternatives to the Proposed Assessment

### *Proposed addition of Class B noxious weeds*

The alternative to the proposed listings would be that lesser celandine and giant reed are not added as Class B noxious weeds, resulting in a status quo of the current situation, whereby individual landowners or land managers have the option of voluntarily controlling the limited populations of lesser celandine and hopefully, any populations of giant reed that are found in riparian or wetland areas where there is a higher risk for invasiveness.

### *Proposed addition of Class C noxious weeds*

The alternative to the proposed listings would be to not list the group of nonnative cattails and hybrids or Russian olive as Class C noxious weeds, resulting in a status quo of the current situation, whereby individual landowners or land managers have the option of voluntarily controlling these species. County noxious weed control boards could educate about tall hawkweed if it is a local concern, but control could not be mandated.

### *Proposed reinstatement of modified listing language of an existing noxious weed*

The alternative to the proposed amendment to the current Japanese eelgrass listing is that it would remain a recognized Class C noxious weed without any modification, resulting in a status quo of the current situation. Individual landowners or land managers would have the option of voluntarily controlling this species, and county noxious weed control boards would have the option to require control of Japanese eelgrass everywhere, not just on commercially managed shellfish beds.

### *Proposed reclassifications of existing noxious weeds*

The alternative to the proposed reclassifications of velvetleaf and buffalobur would be to leave them as Class A noxious weeds. All landowners statewide would be required to eradicate these noxious weeds. The alternative to reclassifying the yellow-flowered hawkweeds into two listings by subgenus would be to leave the ten individual hawkweed species as separate noxious weeds. County weed boards would still have the option of requiring the control of all other nonnative hawkweeds through the generic Class C listing of nonnative hawkweeds.

### *Proposed reinsertion of Class C noxious weed exemption*

The alternative to the proposed reinsertion of this exemption would be to leave this unintentional omission in WAC 16-750. It would mean that, due to a technicality, the non-invasive variety of bulbing fennel would be recognized as a noxious weed.

### *Proposed modifications of current Class B designations:*

The alternative to the proposed modifications to Class B designations would be to leave the designations the way they are. County weed boards would have the option of selecting these Class B non-designates as county selects, but residents of counties that had requested that some species be undesignated would still be required to control them.

## Conclusions

Few, if any, small businesses will be directly impacted by these proposed changes to the 2014 noxious weed list. Based on feedback from the horticultural industry, lesser celandine, nonnative cattails, nonnative hawkweeds, giant reed, and Russian olive do not appear to be widely carried in the nursery trade, so it is unlikely that these businesses will experience direct or even indirect negative impacts to sales or revenue. Businesses that are commercially growing giant reed in lower-risk, non-riparian areas will not be directly impacted by the Class B noxious weed listing. The majority of small businesses with Japanese eelgrass on their property are commercial shellfish growers. A SBEIS analysis conducted in 2011, when Japanese eelgrass was last being considered as a Class C noxious weed on commercially managed shellfish beds only indicated that any foreseen negative impacts to sales or revenue would be the direct result of the non-native plant Japanese eelgrass on their shellfish beds and not due to the actual noxious weed listing. The WSNWCB would not require control of this species and does not mandate control methods. Since shellfish growers and other property owners, including other small businesses, can control Japanese eelgrass whether or not it is listed as a noxious weed, these potential indirect impacts on businesses would not be the direct result of the noxious weed listing.

Based upon the above analysis, the WSNWCB concludes that minor costs – if any - imposed would affect less than 10% of small businesses and would not exceed \$100 in lost sales or revenue as a direct result of the proposed rule-making changes. Nor would any of these amendments to the noxious weed list directly cause the creation of or loss of any jobs. The WSNWCB concludes that small businesses will not be disproportionately impacted, nor would the proposed rule changes impose more than a minor cost on businesses in an industry. Therefore, we conclude that a formal SBEIS is not required.